

EXHIBIT “C”

**Exhibit to
Plaintiff's Response to Motion to Strike Supplemental Expert Report
and to Limit Expert Testimony**

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1	EXHIBITS	
2	NUMBER	DESCRIPTION
3	Exhibit 1	Expert Report of Robert M. Stein, Ph.D. January 20, 2022
4	Exhibit 2	Email Dated February 7, 2022 with Attachments
5	Exhibit 3	Color Map SBISD000001
6	Exhibit 4	Demonstrative Spring Branch ISD Single-Member District
7	Exhibit 5	"Partisanship, Structure, and Representation: The Puzzle of African American Education Politics" by Kenneth J. Meier and Amanda Rutherford
8	Exhibit 6	"The Impact of At-Large Elections on the Representation of Blacks and Hispanics" by Susan Welch
9	Exhibit 7	"At-Large Elections and Minority Representation in Local Government" by Carolyn Abott and Asya Magazinnik
10	Exhibit 8	Press Release "Republican Party of Texas Doubles Down on Local Elections"
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2 (Pages 5-8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 FEBRUARY 9, 2022 - 9:27 A.M.</p> <p>3 (Reported Remotely)</p> <p>4 * * * *</p> <p>5 THE REPORTER: Today is February 9, 2022.</p> <p>6 The time is approximately 9:27 a.m.</p> <p>7 My name is Dana Taylor. My Texas CSR</p> <p>8 Number is 6048. I will be administering the oath</p> <p>9 and reporting the deposition stenographically from</p> <p>10 Mansfield, Texas.</p> <p>11 The witness is located in Houston, Texas.</p> <p>12 Will Counsel please state your appearances</p> <p>13 and any agreements for the record, and then I will swear</p> <p>14 in the witness.</p> <p>15 MR. CRAWFORD: Sure. I'll start.</p> <p>16 Charles Crawford for the Defendants.</p> <p>17 And we'll take it pursuant to the federal</p> <p>18 rules.</p> <p>19 MR. ABRAMS: Barry Abrams for the</p> <p>20 Plaintiff.</p> <p>21 I agree that we're taking it per the rules.</p> <p>22 MR. GOLANDO: Martin GoLando for the</p> <p>23 Plaintiffs.</p> <p>24 And I agree with Barry.</p> <p>25 (Witness sworn.)</p>	<p>7</p> <p>1 summer, early spring. The early spring, late --</p> <p>2 early -- late spring, early summer. Excuse me.</p> <p>3 Q. Of 2021?</p> <p>4 A. 2021.</p> <p>5 Q. And what is your rate of compensation?</p> <p>6 A. \$250 per hour.</p> <p>7 Q. I have -- I have sent Barry and Dana copies of</p> <p>8 the exhibits I'd like to use with you in your deposition</p> <p>9 today. Do you have access to those?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Perfect. The first exhibit I would like to</p> <p>12 talk to you about and mark is your report.</p> <p>13 MR. CRAWFORD: And so, Dana, if you would</p> <p>14 mark that as Exhibit 1.</p> <p>15 Barry, do you want to start these new,</p> <p>16 or do we want to start after the last number from your</p> <p>17 depositions? Do you have a preference?</p> <p>18 MR. ABRAMS: I'm really indifferent.</p> <p>19 I don't honestly recall where we left off. So I think</p> <p>20 there will be few enough exhibits in this case that</p> <p>21 maybe we can do it per witness or per group of</p> <p>22 witnesses.</p> <p>23 MR. CRAWFORD: Perfect. Then we'll just</p> <p>24 make this Stein Deposition Exhibit 1.</p> <p>25 (Exhibit 1 identified.)</p>
<p>6</p> <p>1 ROBERT M. STEIN, Ph.D.,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. CRAWFORD:</p> <p>5 Q. Good morning.</p> <p>6 A. Good morning.</p> <p>7 Q. Can you hear me okay?</p> <p>8 A. Yes.</p> <p>9 Q. Good. If any time it's -- because we're doing</p> <p>10 this by Zoom, I'm garbled or unclear, please let me</p> <p>11 know, and I'll do the same for you.</p> <p>12 A. I will.</p> <p>13 Q. Okay. Will you please state your name, please?</p> <p>14 A. Robert Mark Stein.</p> <p>15 Q. Dr. Stein, what is your occupation?</p> <p>16 A. I am a professor of political science at</p> <p>17 Rice University.</p> <p>18 Q. How long have you been a professor at Rice?</p> <p>19 A. Since 1979.</p> <p>20 Q. And have you been hired by the Plaintiff in</p> <p>21 this case as an expert?</p> <p>22 A. Yes, I have.</p> <p>23 Q. When were you hired?</p> <p>24 A. That's a very good question. It was last year.</p> <p>25 I think Mr. Abrams and GoLando approached me late</p>	<p>8</p> <p>1 Q. Dr. Stein, is Exhibit 1 a copy of your report</p> <p>2 in this case?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Is your resume attached to the report?</p> <p>5 A. Yes, it is.</p> <p>6 Q. And does your resume adequately describe and</p> <p>7 list your qualifications to opine as an expert in this</p> <p>8 case?</p> <p>9 A. Yes, it does.</p> <p>10 Q. Okay. So rather than go through that, we'll</p> <p>11 just rest on the resume, if that's okay?</p> <p>12 A. (Nods head.)</p> <p>13 Q. What is the scope of your employment as an</p> <p>14 expert in the lawsuit?</p> <p>15 A. And -- and I'll be looking to my -- to your</p> <p>16 left because I have another screen that has my -- has</p> <p>17 the exhibit up. So I'm not trying to be rude or just</p> <p>18 wanted you to think I'm -- but on Page 2 --</p> <p>19 Q. I absolutely understand.</p> <p>20 A. -- and 3, I stipulate, I guess, I have been</p> <p>21 retained by counsel to provide expert testimony, and</p> <p>22 there are, I believe, five, six, seven -- eight bullets.</p> <p>23 I can go through them, but they're</p> <p>24 basically the -- the issues of whether Spring Branch ISD</p> <p>25 school board elections are racially polarized.</p>

3 (Pages 9-12)

<p>9</p> <p>1 whether Latinos or Hispanics are 2 politically cohesive in the Spring Branch ISD school 3 board trustee elections and vote as a block for 4 Latino-preferred candidates -- or candidate.</p> <p>5 whether Hispanic or Latino voting-age 6 population in the Spring Branch ISD is sufficiently 7 large and geographically compact to constitute a 8 majority of voting population in at least one, or more, 9 single-member districts under what I offer later on as 10 an illustrative district plan.</p> <p>11 And then the last four points deal with 12 whether white Non-Hispanics vote sufficiently as a block 13 to enable them, in the absence of special circumstances, 14 like a special -- like a single-member district, to 15 defeat a minority candidate who is a preferred choice of 16 the minority voter.</p> <p>17 whether single-member district elections 18 or at-large elections enhance the proportional 19 representation of minority-preferred candidates on 20 elected legislative bodies, like a school board.</p> <p>21 whether taxing and spending practices 22 differ significantly between governments with 23 single-member district representation and at-large 24 elections or representation.</p> <p>25 And then, finally, whether legislative</p>	<p>11</p> <p>1 Q. What have you done in order to render your 2 opinion in this case?</p> <p>3 A. A number of things. Of course, I -- to deal 4 with the last four points, in reverse order, I reread 5 the literature on -- the scholarly literature on these 6 issues that I -- the last four bullets, I think on 7 Page -- help me here -- 3.</p> <p>8 I requested -- to deal with these issues 9 on the first three bullets -- actually, the first four 10 bullets; I apologize -- I requested materials and 11 information from the Spring Branch ISD. I acquired 12 information from the Harris County election 13 administrator's office.</p> <p>14 And, where necessary, I read newspaper 15 accounts of the candidates running for office in the 16 Spring Branch ISD trustee -- school board trustee 17 elections.</p> <p>18 Q. Did you --</p> <p>19 A. Oh, I'm sorry.</p> <p>20 Q. Oh, go ahead.</p> <p>21 A. I also acquired data from the U.S. Bureau of 22 Census for demographic information.</p> <p>23 Q. Did you keep copies of the newspaper accounts 24 that you just were referring to that you had reviewed?</p> <p>25 A. I think one or two, yes.</p>
<p>10</p> <p>1 bodies are more responsive to the preferences of 2 minority and nonminority voters in at-large or 3 single-member district forms of representation.</p> <p>4 Q. Are the bullet points you read off more 5 commonly known as the Gingles factors?</p> <p>6 A. Yes. That was how I understood these issues, 7 from reading Gingles and being advised.</p> <p>8 Q. And would the scope of your opinion and 9 engagement be to opine on Gingles Factors 1, 2, and 3?</p> <p>10 A. Yes, they would.</p> <p>11 Q. And are you opining on the Senate Factors also?</p> <p>12 A. I'm -- I'm sorry. I couldn't hear that last 13 word.</p> <p>14 Q. The Senate Factors. Are you opining on the 15 Senate Factors or the "totality of the circumstances" 16 factors?</p> <p>17 A. Oh, okay. I didn't know what "Senate" meant.</p> <p>18 I -- I am opining on what I said here.</p> <p>19 If -- if that constitutes a -- I think you called it the 20 totality of circumstances, I'm inclined to agree with 21 that, yes.</p> <p>22 Q. Okay. Are there any other subjects that you 23 are opining on that are not listed in the bullet points 24 in your report?</p> <p>25 A. No.</p>	<p>12</p> <p>1 Q. Would you be able to locate those and provide 2 those to Barry to be able to provide to me?</p> <p>3 A. Yes, I -- I am certain I can.</p> <p>4 Q. Okay. I'd ask if you could do that, please?</p> <p>5 A. Can I just write myself a note?</p> <p>6 Q. Sure.</p> <p>7 A. I'm forgetful.</p> <p>8 Got it.</p> <p>9 Q. Okay. You were telling me what you had done in 10 order to render your opinion, and I interrupted you with 11 the newspaper request. Any other tasks that you've 12 done, other than what you've just told me, in order to 13 render your opinion?</p> <p>14 A. No, I don't -- no.</p> <p>15 Q. Who did you talk to in preparation to render 16 your opinion?</p> <p>17 A. Well, of course Mr. Abrams and Mr. Golando, and 18 that's it. I -- I didn't talk to anybody else. As I 19 said, I -- I read a good deal. And that is -- those are 20 the only people I talked to about this case.</p> <p>21 Q. Is there anything else that you need or want or 22 plan to do to render your opinion in this case?</p> <p>23 A. At this time, no.</p> <p>24 Q. Are you fully prepared to render your opinion 25 today?</p>

4 (Pages 13-16)

<p style="text-align: right;">13</p> <p>1 A. Yes.</p> <p>2 Q. What is your opinion?</p> <p>3 A. Well, as I said in my report, I think there is</p> <p>4 statistically significant evidence of racial polarized</p> <p>5 voting in the Spring Branch ISD -- Independent School</p> <p>6 District trustee elections from 2015 to 2021.</p> <p>7 Q. And, Dr. Stein, are you reading from the</p> <p>8 "Summary of Opinions" portion of your report on Page 3?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. I think that non-white (sic) Hispanics vote</p> <p>12 sufficiently as a block to enable them, in the absence</p> <p>13 of a single-member district form of representation, to</p> <p>14 defeat minority voters, which would be the preferred</p> <p>15 candidates of choice for those Hispanic voters.</p> <p>16 I also believe the geographic concentration</p> <p>17 of Hispanics in the Spring Branch ISD district is</p> <p>18 sufficient to constitute a majority of the voting-age</p> <p>19 population in at least one single-member district under</p> <p>20 what I offered as an illustrative seven-district plan.</p> <p>21 Although, there may be more. I have not investigated</p> <p>22 that. I only looked for the one.</p> <p>23 Regarding the literature and research,</p> <p>24 scholarly literature, I find strong evidence that</p> <p>25 single-member district forms of representation do -- do,</p>	<p style="text-align: right;">15</p> <p>1 A. That's a good question.</p> <p>2 As I write in the report -- although, I --</p> <p>3 I should be careful here. I know the arguments in</p> <p>4 favor of at-large forms of representation. So I'll</p> <p>5 distinguish my answer by saying there have been</p> <p>6 arguments -- or hypotheses, I should say, about the</p> <p>7 advantages of single-member district representation</p> <p>8 over at-large.</p> <p>9 Those advantages seem to flow from the</p> <p>10 idea that single-member district representation has</p> <p>11 disadvantages that are overcome by at-large. Those</p> <p>12 disadvantages include excessive spending above demand.</p> <p>13 Sometimes we call this a pork barrel.</p> <p>14 So single-member district representation</p> <p>15 leads single-member district representatives to increase</p> <p>16 spending for their district at the expense of the</p> <p>17 benefits to the whole district, a sort of</p> <p>18 particularization, and a greater concern for the --</p> <p>19 not for the many, but for the some.</p> <p>20 Second, at-large forms of representation</p> <p>21 are thought to be able to represent what is known as</p> <p>22 the collective interest, the greater good of the</p> <p>23 district, over the -- the good of a particular segment</p> <p>24 or geography.</p> <p>25 The literatures I offer here -- and I'm on</p>
<p style="text-align: right;">14</p> <p>1 in fact, enhance proportional representation of minority</p> <p>2 candidates on legislative bodies.</p> <p>3 Single-member district representation</p> <p>4 increases the likelihood that minority candidates will</p> <p>5 contest -- that means run for -- positions on</p> <p>6 legislative bodies.</p> <p>7 And single-member district representation</p> <p>8 will produce policies, decisions of these legislative</p> <p>9 bodies, that are more responsive to minority voters and</p> <p>10 their policy preferences.</p> <p>11 THE WITNESS: And if I'm going too fast,</p> <p>12 Ms. Taylor, please just slow me down. I am working</p> <p>13 extremely hard to not deliver a fast answer.</p> <p>14 A. Oh, and I'm sorry. I apologize. The</p> <p>15 concluding recommendation is that the Spring Branch ISD</p> <p>16 should adopt single-member district plans for the</p> <p>17 election of its seven district trustees.</p> <p>18 Q. And that is a summary of your opinions in the</p> <p>19 case. Do you have any other opinions, other than the</p> <p>20 ones that you just listed for me?</p> <p>21 A. No, I do not.</p> <p>22 Q. Your last summary talks about a single-member</p> <p>23 district plan, and I want to ask, if you could, tell me</p> <p>24 the positive aspects of at-large systems for school</p> <p>25 districts?</p>	<p style="text-align: right;">16</p> <p>1 Page 3 -- do not seem to conclusively -- there are mixed</p> <p>2 results, and there's even results that would support.</p> <p>3 But to use the phrase the totality of the research and</p> <p>4 the -- and the best research and the most recent does</p> <p>5 not seem to support those arguments in favor of at-large</p> <p>6 over single-member district representation.</p> <p>7 Q. And I note that you were very careful, at</p> <p>8 the beginning of your answer, to say that these were</p> <p>9 arguments in favor of at-large, not necessarily your</p> <p>10 opinion about that.</p> <p>11 So let me ask you. Do you agree or</p> <p>12 disagree with the arguments that you've laid out for me?</p> <p>13 A. It's my conclusion that the literature and</p> <p>14 my own findings here -- but particularly the literature</p> <p>15 that I reviewed -- would not support the arguments</p> <p>16 or hypotheses that suggested at-large forms of</p> <p>17 representation are superior, on those points I made,</p> <p>18 to single-member district representation.</p> <p>19 Q. What about the middle ground of those two</p> <p>20 systems, the at-large on one end, pure single-member</p> <p>21 districts on the other? What about mixed districts</p> <p>22 where you have one or two at-large seats and the</p> <p>23 remainder are single-member districts? Tell me about</p> <p>24 the positive aspects of that sort of a system.</p> <p>25 A. I -- I did not review that literature. I know</p>

5 (Pages 17-20)

<p style="text-align: right;">17</p> <p>1 that literature exists, and I'm -- I'm quite happy to -- 2 to review it. But I, at this point, have not formed an 3 opinion about mixed systems. And there -- there are 4 many of them. Our own City of Houston city council has 5 a mixed plan and has since 1981.</p> <p>6 But I have not -- I want to be clear 7 here -- have not reviewed that literature, nor have 8 I formed an opinion about the superiority, inferiority, 9 or -- or any of the issues I addressed here. I only 10 looked at single-member versus at-large.</p> <p>11 Q. You mentioned the City of Houston in your 12 answer, and so that -- that leads me to ask this 13 question. When you are looking at elections and 14 systems, is there a difference between analyzing those 15 systems and elections with regard to cities versus 16 school districts?</p> <p>17 A. I am certain there is, but, again, except for 18 the literature I reviewed, I -- my first focus was 19 school districts, but there's no question that there 20 have been -- and my literature review includes both 21 school districts and some studies on general purpose 22 municipal governments.</p> <p>23 But I am not ready to opine whether or not 24 single-member district forms of representation and 25 at-large vary by form of government, school district</p>	<p style="text-align: right;">19</p> <p>1 forms of representation increase -- increase or have no 2 effect on the election of minority candidates, and that 3 literature is -- I think the core of it is at the top of 4 Page 11, if you can see that.</p> <p>5 Q. Yes. And I'm going to --</p> <p>6 A. And it's --</p> <p>7 Q. I'm going to come back to those later because 8 we're just going to work -- just so you know, I'm just 9 going to work through your report sequentially --</p> <p>10 A. Sure.</p> <p>11 Q. -- because it's easier for simple minds like 12 me to do it that way. And so I'm going to come back 13 to some of these studies that you reference on Page 11.</p> <p>14 But these are primarily what you're 15 referencing, on Page 3, when you say "the scholarly 16 literature"?</p> <p>17 A. Yes.</p> <p>18 Q. Perfect.</p> <p>19 I want to turn quickly to Page 2 of your 20 report, and you state, towards the bottom, that "I have 21 also designed voting districts for municipal governments 22 and school districts in Texas. I am currently designing 23 election districts for Lancaster ISD, Goose Creek ISD, 24 and the City of Baytown."</p> <p>25 My question is are there any other school</p>
<p style="text-align: right;">18</p> <p>1 and -- and general purpose governments. It was not the 2 scope of my work, which is not to say that I -- I 3 couldn't have done that. I just did not. I was not 4 asked to do that.</p> <p>5 Q. I want to turn back to your report, and we're 6 on Page 3, the fourth bullet point, the Summary of 7 Opinions, and you discuss the scholarly literature. 8 You make reference to scholarly literature to conclude 9 certain items.</p> <p>10 What scholarly literature are you referring 11 to specifically there?</p> <p>12 A. In the first bullet?</p> <p>13 Q. Or just when you say "There is strong" --</p> <p>14 A. Or all three?</p> <p>15 Q. -- "evidence in the scholarly literature," 16 are there certain studies that you're specifically 17 referencing, and can you tell me what that -- what those 18 are?</p> <p>19 A. Sure. Yeah, I mean, the best way to answer 20 that would be to go to page -- help me here -- Page 10. 21 And I tried to organize my review of the literature 22 around, I believe, at least three. Did minority 23 representation in at-large districts increase -- did 24 at-large -- excuse me.</p> <p>25 Did at-large versus single-member district</p>	<p style="text-align: right;">20</p> <p>1 districts for which you are designing election 2 districts --</p> <p>3 A. That I --</p> <p>4 Q. -- or that you have designed election districts 5 for?</p> <p>6 A. Have or -- or currently? I'm sorry.</p> <p>7 Q. It's a two-part question.</p> <p>8 A. Sure.</p> <p>9 Q. So both of them.</p> <p>10 A. I -- I have done it for HISD; Houston Community 11 College; Lone Star; San Jacinto. Give me a second. 12 I've just got to -- oh, Lyman County ISD, South Dakota. 13 And, to the best of my memory, that's it, and then the 14 ones I'm currently doing.</p> <p>15 Q. And does that entail actually drawing a map, 16 like you've done in your report in our case?</p> <p>17 A. Let me clarify, yes, I first have -- I didn't 18 draw a map here. I -- I worked with the map that I was 19 given. Needless to say, I was working with the precinct 20 or enrollment districts that are currently being used 21 for electing trustees.</p> <p>22 But to -- to your first, yes, I have drawn 23 maps. I think -- I use the word "design." I think 24 your -- your language is maybe better. I -- I 25 constructed or drew maps, yes.</p>

6 (Pages 21-24)

<p>21</p> <p>1 Q. Is that normally the type of work that 2 demographers do?</p> <p>3 A. I don't know. I -- and that's a fair question. 4 The -- the short answer is I have worked with 5 demographers. I'm -- I'm not altogether certain what 6 exactly they do, except enrollment districts. But the 7 short answer is I'm not certain, but I would -- I would 8 assume so, yes.</p> <p>9 Q. And as opposed to analyzing election data, what 10 are -- what do you believe your qualifications are to 11 design the district themselves, or draw the maps, as 12 we've been talking here?</p> <p>13 A. Well, I'm -- I am familiar with, as -- as I'm 14 often advised by attorneys I work for or the school 15 districts whose attorneys I work for, regarding rules 16 and requirements, voting rights, single-member 17 districts, one person one vote.</p> <p>18 I've trained and taken courses on 19 geographical information systems. I have trained and 20 actually served on the U.S. Bureau of Census advisory 21 board; so I'm pretty familiar with the data that is 22 provided there.</p> <p>23 And I believe I am knowledgeable about 24 elections and election procedures, such that I can work 25 with the voting data provided by, in this case, county</p>	<p>23</p> <p>1 expert report.</p> <p>2 Q. The next section of your -- of Page 3 is 3 "Materials Reviewed." And you say that you consulted 4 the scholarly, peer-reviewed research on, and then you 5 list some bullet points.</p> <p>6 Is that the same research that you and 7 I were talking about just a moment ago, or is this a 8 different --</p> <p>9 A. Yes, it is.</p> <p>10 Q. -- body of research?</p> <p>11 A. I'm sorry. I couldn't hear.</p> <p>12 Q. Or is this a different body of research?</p> <p>13 A. No, no. This is what we had previously -- 14 previously discussed and I elaborate on later in the 15 report.</p> <p>16 Q. And then the last paragraph on Page 3 says that 17 you have "relied on election results provided by the 18 Spring Branch ISD for trustee elections, data from the 19 U.S. Bureau of the Census, and Harris County's Election 20 Administrator Office for my analysis of racially 21 polarized voting in SBISD's trustee elections."</p> <p>22 Do you see that reference?</p> <p>23 A. Yes.</p> <p>24 (Exhibit 2 identified.)</p> <p>25 Q. If you would, as the next exhibit, look at the</p>
<p>22</p> <p>1 and election administrators.</p> <p>2 Q. Of the -- of the election districts that you've 3 designed for schools before, have they all been pure 4 single-member districts, or have any of them been a 5 mixed system of partially at-large and partially 6 single-member?</p> <p>7 A. Only the City of Houston has been a mixed 8 system. All others have been single-member districts.</p> <p>9 I -- I qualify that. I'm sorry. My 10 memory. I did -- and this is a while back -- Fort Bend 11 ISD. And I did their redistricting when they moved from 12 an at-large to a single-member. And if you're going to 13 ask me the year, I'm going to vaguely recall it as in 14 the early 1980s.</p> <p>15 Q. Going to page -- back to Page 3 now of your 16 report, your final opinion is that "Spring Branch should 17 adopt a single-member district plan for the election of 18 the district's seven trustees."</p> <p>19 Did I take your earlier testimony to say 20 that you did not analyze whether or not Spring Branch 21 should adopt a mixed system?</p> <p>22 A. No, I did not.</p> <p>23 Q. Okay. So you don't have an opinion whether 24 that would be good, bad, or indifferent at this point?</p> <p>25 A. Not based on the work I have done in -- in my</p>	<p>24</p> <p>1 email from Barry to me, and it has attachments to it.</p> <p>2 A. I -- I don't recall seeing that. I apologize. 3 I'm sure I got it. I just don't have it at --</p> <p>4 Q. This is an email that Barry sent me on this 5 Monday, and it says "Attached are materials provided by 6 Dr. Stein."</p> <p>7 A. Yes. Yes, I do remember. If you give me a 8 second, I'll get it up.</p> <p>9 Okay. And which exhibit is it?</p> <p>10 Q. We can mark this now as Exhibit Number 2.</p> <p>11 A. Okay. Barry Abrams' email. I got it. I see 12 it.</p> <p>13 Q. Okay. My first question is are these the 14 materials that you're referring to on the bottom of 15 Page 3 of your report?</p> <p>16 A. Yes.</p> <p>17 Q. Are there any other materials that you're 18 referring to, in your report on Page 3, that are not 19 contained in the email that Barry sent me?</p> <p>20 A. Yes. If you go to the bottom -- and I 21 apologize. I omitted this in my report. There is 22 another source of information, and I have to get it.</p> <p>23 Yeah, on Page 9, Footnote 2.</p> <p>24 Q. I'm with you.</p> <p>25 A. I used data from the NCES, the National --</p>

7 (Pages 25-28)

<p style="text-align: right;">25</p> <p>1 well, you're going to ask me what it stands for; it's 2 the National Center for Education Statistics -- to 3 acquire information on the racial makeup of schools and 4 enrollment districts in Spring Branch. And that was 5 used in my racial and ethnic segregation analysis on 6 Page 9. That was not included on the bottom of Page 3. 7 Q. Okay. Would you be able to print those 8 materials and send them to Barry so he could forward 9 them to me? 10 A. Yes, yeah. 11 Q. Okay. Thank you. 12 A. There's one -- yeah. 13 Q. If you need to finish an answer, please feel 14 free. 15 A. There was one other piece of information I 16 acquired from Mr. Golando on the American Community 17 Survey, on Page Number 8, and that's Table Number 1. 18 And I will -- well, that data's there. The source is 19 the American Community Survey, and I should have put a 20 footnote in that for the website as well, which I will 21 do. 22 Q. All right. And I had a couple of questions 23 about that, but I'll get to those later. 24 Other than the -- what you've now told me 25 about, the additional information, is there any other</p>	<p style="text-align: right;">27</p> <p>1 it. 2 A. This was used for -- I'm parsing everything 3 together here. Give me just one second so I can tell 4 you. 5 These are the data that I -- I used for 6 table number -- get this back up. Yeah, these are the 7 data I used for Table Number 1 on Page 8. 8 Q. And if I am reading this correctly, the first 9 three columns of the spreadsheet all came from the 2020 10 census? 11 A. Yes. 12 Q. And then do all the remaining columns come from 13 the American Community Survey? 14 A. That is correct. 15 Q. And that's the 2015 to 2019 -- 16 A. That is -- 17 Q. -- five-year ACS? 18 A. I believe all of the -- oh, I'm sorry. Yes, 19 the first three columns are the census, and the 20 remaining columns are from the American Community Census 21 (sic) from 2015 to 2019. 22 Q. Is there a reason why you use the census for 23 the first three columns and not for the remaining 24 columns? 25 A. Citizen voting age population is not data</p>
<p style="text-align: right;">26</p> <p>1 information that you're referring to, in Page 4 of your 2 report, that's not included in the materials that Barry 3 sent me the other day? 4 A. I'm just double-checking to make certain, if 5 you don't mind. 6 Q. Sure. 7 A. I want to make certain I didn't -- no. No, 8 there is no other information. 9 Q. Okay. Turning to Exhibit 2, which is Barry's 10 email and the attachments, I just want to ask you what 11 the attachments are and what they -- what they mean and 12 how you use them. 13 A. Okay. 14 Q. And so the first one, the first attachment, I 15 think, is labeled "Copy of SBISD Demonstrative Data," 16 and it appears to be a chart. And it looks like this 17 chart may have formed part of the basis of your chart on 18 Page 8 of your report. 19 A. Help me here. 20 Q. Sure. 21 A. Are we talking about the -- the one that's 22 "Special Tabulation of Citizen Voting Age Population"? 23 Q. It's the one that -- 24 A. Yeah, I got it. That's it. 25 Q. Yeah. So tell me what this is and how you used</p>	<p style="text-align: right;">28</p> <p>1 collected in the census; whereas, citizen -- let me get 2 that -- citizen voting age population is collected only 3 in the American Community Survey. It is not collected 4 in the census. 5 Q. And is there a 2020 American Community Survey, 6 or was the 2015 to 2019 the most recent data set that 7 you were able to use? 8 A. It was the most recent that was available to us 9 at the time. 10 Q. Is there a 2020 ACS? 11 A. I believe there is, but I am not certain it's 12 been released. I -- I just don't know. I honestly 13 don't know. 14 Q. And then under your column that says 15 "Hispanic CVAP" -- and CVAP stands for citizen voting 16 age population; is that correct? 17 A. Yes. 18 Q. And in your proposed District 1, you have a 19 52.8 percent Hispanic CVAP; is that correct? 20 A. That's correct. 21 Q. And so that puts it over the 50 percent 22 Gingles 1 threshold for an acceptable illustrative 23 district, correct? 24 A. That is correct. 25 Q. Next to the 52.8, you have a plus/minus of 5.9.</p>

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<p style="text-align: right;">29</p> <p>1 Is that plus/minus of 5.9 the margin of error?</p> <p>2 A. That is correct.</p> <p>3 Q. So does that mean that the Hispanic CVAP in</p> <p>4 District 1, within the margin of error that you've</p> <p>5 listed, could be below 50 percent?</p> <p>6 A. Yes.</p> <p>7 Q. How did you -- do you know how the ACS gathered</p> <p>8 or computed the Hispanic CVAP in Spring Branch?</p> <p>9 A. They would have conducted surveys.</p> <p>10 Q. Is it -- is it self-identification or is it</p> <p>11 surname based or do you know?</p> <p>12 A. No, the -- my understanding -- and on this,</p> <p>13 I will have to -- I'd have to do more work. It is</p> <p>14 self-identified.</p> <p>15 Q. I'm sorry. I didn't --</p> <p>16 A. Self-identified. It's the result of a survey</p> <p>17 question asked.</p> <p>18 Q. Did you use the chart that we're referring to</p> <p>19 for any other purpose than using it for Table 1 in your</p> <p>20 report?</p> <p>21 A. No, I did not.</p> <p>22 Q. And other than the 2020 census and the 2015 to</p> <p>23 2019 ACS survey, did you rely on any other information</p> <p>24 or data to create this spreadsheet?</p> <p>25 A. This one here on -- that we're looking --</p>	<p style="text-align: right;">31</p> <p>1 an additional overflow on some years, but this is</p> <p>2 basically the data that informed my racial polarization</p> <p>3 analysis.</p> <p>4 Q. And where did you -- what information did you</p> <p>5 use to come up with your chart?</p> <p>6 A. The data that I -- I'm not certain -- repeat</p> <p>7 that again, please.</p> <p>8 Q. Sure. What data did you use to input into your</p> <p>9 Excel spreadsheet to create this?</p> <p>10 A. I asked, as I said I think on Page 3, for</p> <p>11 the Spring Branch ISD to provide me vote totals by</p> <p>12 candidate, by year, by polling location.</p> <p>13 Q. And, ultimately, did the information in this</p> <p>14 spreadsheet, that we're looking at -- we're talking</p> <p>15 about, become part of Figures 1, 2, 3, and 4 on</p> <p>16 Pages 5 through 7 of your report?</p> <p>17 A. I'm going to switch back and forth. I just</p> <p>18 want to make certain I'm -- yes, these are the ones for</p> <p>19 Figures 1 through 4, yes.</p> <p>20 Q. Okay. Perfect.</p> <p>21 The next attachment to Barry's email, that</p> <p>22 I'd like to ask you about, is entitled "Election Results</p> <p>23 2015 to 2021."</p> <p>24 A. Okay. Yes.</p> <p>25 Q. And like the prior one, this came on an Excel</p>
<p style="text-align: right;">30</p> <p>1 Q. Yes.</p> <p>2 A. -- I'm looking at? No, I did not.</p> <p>3 Q. Okay. The next attachment to Barry's email</p> <p>4 that I would like to ask you about is the one entitled</p> <p>5 "Data SBISD Election." And when you -- when Barry sent</p> <p>6 it to me, it was on an Excel spreadsheet, and then, when</p> <p>7 I printed it off, it gives me a harder-to-read version.</p> <p>8 A. Yes, sir.</p> <p>9 Q. But it was sent in Excel form.</p> <p>10 Can you tell me what this is and what you</p> <p>11 used this for, in terms of your opinion?</p> <p>12 A. I'll start with the second question. It was</p> <p>13 used to do my voter polarization racial -- racial</p> <p>14 polarization. It's a result of trustee elections by</p> <p>15 year, by precinct or voting tabulation area, by</p> <p>16 candidate, along with the racial or ethnic makeup of</p> <p>17 each voting place, in terms of what was the racial</p> <p>18 makeup of the men and women that cast ballots in that</p> <p>19 election, in that year, in that polling place, or in</p> <p>20 this case precinct.</p> <p>21 Trustee -- maybe this will help. When I</p> <p>22 refer to precincts and polling places and enrollment</p> <p>23 districts, they're all the same. There are seven</p> <p>24 trustees, and, although they are at-large, these</p> <p>25 elections are held in these seven. There was actually</p>	<p style="text-align: right;">32</p> <p>1 spreadsheet, and I'd like to ask you, what did you use</p> <p>2 this for, and what data did you use to input to create</p> <p>3 this?</p> <p>4 A. This is virtually the same data, coming from</p> <p>5 the same source, as we saw in the spreadsheet above.</p> <p>6 It is a different display of the data, but it's the same</p> <p>7 data and the same source, and it was used to inform my</p> <p>8 analysis on racial polarized voting, as reported in -- I</p> <p>9 forgot the section -- but Figures 1 through 4.</p> <p>10 Q. Perfect.</p> <p>11 The next attachment to Barry's email is</p> <p>12 entitled "Polarization Spreadsheet."</p> <p>13 A. Oh, yes, I'm with you.</p> <p>14 Q. Okay. And like the -- like the earlier</p> <p>15 questions, I just want to ask, you know, how did you --</p> <p>16 what is this, how did you use it, and what did you use</p> <p>17 to create it?</p> <p>18 A. All right. Let me just -- give me one second.</p> <p>19 So if you go to my report and you go to</p> <p>20 Page -- help me here -- 9, this data, which came from</p> <p>21 the National Center on Educational Statistics --</p> <p>22 Education -- National Center for Education Statistics,</p> <p>23 and this informed Section 6 of my report on "Racial and</p> <p>24 ethnic segregation in Spring Branch ISD."</p> <p>25 Q. Where did you get the information to put into</p>

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<p>33</p> <p>1 your spreadsheet?</p> <p>2 A. From the National Center for Education</p> <p>3 Statistics. The website is in Footnote Number 2 on</p> <p>4 Page 9.</p> <p>5 Q. And that's the one we talked about earlier?</p> <p>6 A. Yes.</p> <p>7 Q. And then the final attachment to Barry's</p> <p>8 email was entitled "Spring Branch Segregation ISD Data</p> <p>9 Analysis 2."</p> <p>10 A. Let me go back. Yes.</p> <p>11 Q. And if you could tell me what this is, how you</p> <p>12 used it, and what you used to create it?</p> <p>13 A. These are the calculations that I made. Let</p> <p>14 me go back to the report. And on Page 9, again, in</p> <p>15 Section 6, this formula for calculating racial</p> <p>16 segregation or dispersion, those are the computed</p> <p>17 scores for each of the schools and each of the</p> <p>18 enrollment districts in Spring Branch ISD.</p> <p>19 Q. All right. I think I'm ready to move on to</p> <p>20 Page 4 of your report.</p> <p>21 A. Give me one second. Okay.</p> <p>22 Q. And this is the section entitled "Racially</p> <p>23 Polarized Voting in Spring Branch ISD." And your first</p> <p>24 paragraph states that you "used a definition of racially</p> <p>25 polarized voting as outlined in Thornburg versus Gingles</p>	<p>35</p> <p>1 A. No, I do not.</p> <p>2 Q. You analyze, I believe, ten trustee elections,</p> <p>3 in Spring Branch ISD, to form the basis of your opinion?</p> <p>4 A. That's correct.</p> <p>5 Q. You did not analyze any exogenous elections,</p> <p>6 did you?</p> <p>7 A. Say that again. Any?</p> <p>8 Q. You did not analyze any exogenous elections,</p> <p>9 did you? Non-Spring Branch elections?</p> <p>10 A. No, no.</p> <p>11 Q. Why did you -- can you tell me why you did not</p> <p>12 do that?</p> <p>13 A. It wasn't what was asked of me.</p> <p>14 Q. The final paragraph, on Page 4 of your report,</p> <p>15 states that "The dominate races and ethnicities among</p> <p>16 Spring Branch ISD voters are white, the majority, and</p> <p>17 Hispanic, the minority."</p> <p>18 Do you know the current percentages of</p> <p>19 those two groups based on the 2020 census?</p> <p>20 A. I think that's in -- as in total population or</p> <p>21 total voting age population?</p> <p>22 Q. Well, that's a great question. I'm just trying</p> <p>23 to refer it to the statement in your report. So what</p> <p>24 were you referring to in your report when you say that</p> <p>25 the dominate races among the voters are white, the</p>
<p>34</p> <p>1 case to assess whether this condition existed in the</p> <p>2 Spring Branch ISD trustee elections between 2017 and</p> <p>3 2021."</p> <p>4 A. 2015 and --</p> <p>5 Q. Okay. You anticipated my question.</p> <p>6 A. That's a typo, for which I do apologize.</p> <p>7 Q. Okay. Because I --</p> <p>8 A. It should be 2015.</p> <p>9 Q. I was going to ask you why you chose 2017, but</p> <p>10 you've --</p> <p>11 A. No.</p> <p>12 Q. -- now answered that.</p> <p>13 A. It's a -- it's a typographical error.</p> <p>14 Q. Okay. So why did you choose -- why didn't you</p> <p>15 go earlier than 2015?</p> <p>16 A. I'm sorry. I couldn't hear that.</p> <p>17 Q. Sure. Why didn't you do any analysis earlier</p> <p>18 than 2015?</p> <p>19 A. I -- and to -- the honest answer is I -- my</p> <p>20 recollection was I couldn't get data before 2015, and</p> <p>21 I -- this was the data that was available to me. But</p> <p>22 I -- that is my recollection.</p> <p>23 Q. Do you know who the minority-preferred</p> <p>24 candidates were in the Spring Branch elections prior</p> <p>25 to 2015?</p>	<p>36</p> <p>1 majority, and Hispanic, the minority?</p> <p>2 A. I think I was referring here to Section 6 of</p> <p>3 my report, racial and ethnic segregation. And if I</p> <p>4 remember correctly, for example, Spring Branch is</p> <p>5 comprised of 26.7 percent white students and 59 percent</p> <p>6 Hispanic students.</p> <p>7 Q. Right. But now the percentages of students</p> <p>8 does not necessarily correspond to the percentages of</p> <p>9 voters, does it?</p> <p>10 A. That's correct.</p> <p>11 Q. Because most students don't vote?</p> <p>12 A. Well, yes, most students will have parents,</p> <p>13 maybe all students, and we will assume that, but not</p> <p>14 necessarily, the -- the race and ethnicity. So the only</p> <p>15 other source of information I have would have been the</p> <p>16 census data and citizen voting age population that are</p> <p>17 reported in the exhibit that I --</p> <p>18 Q. Would it also be on the -- your Table 1 on</p> <p>19 Page 8 of your report? You have a chart.</p> <p>20 A. Yes, that -- that would be the makeup of</p> <p>21 the districts, but I'd go back to the census and the</p> <p>22 ACS reports. And then from that, I would have</p> <p>23 calculated the percent of population, Spring Branch ISD,</p> <p>24 white, Hispanic. I cannot give you that number now.</p> <p>25 Q. Okay. Turning to the next page of your report,</p>

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<p style="text-align: right;">37</p> <p>1 Page 5, at the very beginning of Page 5, you state, 2 "To measure the degree to which there is racially 3 polarized voting in Spring Branch ISD trustee elections, 4 I regressed the proportion of persons," et cetera, 5 et cetera. 6 My question is what does "I regressed" 7 mean? 8 A. It -- Footnote Number 1. It's a kind of 9 "ordinary least squares." Basically, it's a plot. 10 Simply, along the -- what you'd call the Y -- well, 11 the horizontal axis -- 12 Q. And so you'll understand, I'm a liberal arts 13 major, and so a lot of what you're going to say might be 14 very simple to you, but is very -- 15 A. I understand. 16 Q. -- detailed to me. So help -- help the 17 uninitiated. 18 A. What I'm asking is simply this, given an 19 election -- let me -- let me re- -- I'm going to go back 20 up so you can see in the report. 21 It's a proportion of vote cast for the 22 white candidate, the minority-preferred candidate, in 23 this case Hispanic surname candidate, and the proportion 24 of vote Hispanic and white in each precinct in each 25 election for each candidate.</p>	<p style="text-align: right;">39</p> <p>1 Does that help? 2 Q. It does. 3 A. Okay. 4 Q. And I believe you say in your report, on 5 Page 5, that Hispanic surname candidates were identified 6 as the minority-preferred candidate, for purposes of 7 your figures, correct? 8 A. Yes. 9 Q. Did you take into consideration a white 10 candidate with a Hispanic surname? For example, 11 Chris Gonzalez, who is the current board president of 12 the Spring Branch trustees. How did you -- how did you 13 compensate for somebody with a surname of Gonzalez that 14 is not Hispanic? 15 A. I don't know that I -- I apologize. Did you 16 say how did I compensate? 17 Q. Sure. 18 A. I'm not certain I'm understanding. 19 Q. Well, I guess -- 20 A. I know she's not -- I know Ms. Gonzalez has a 21 Hispanic surname, and that's all I -- as my report 22 indicated, if the surname of the candidate was Hispanic, 23 I assumed that they were the preferred candidate of the 24 Hispanic voter. I did not determine whether voters were 25 aware of Ms. Gonzalez's preferred ethnic identification.</p>
<p style="text-align: right;">38</p> <p>1 So all I'm saying -- asking is, if I have a 2 Precinct 1, and it's 70 percent Hispanic, how many votes 3 did the Hispanic-preferred candidate get in that 4 precinct in that election. 5 My expectation is that there's a 6 relationship between the race or racial makeup of a 7 voting precinct and their support for minority -- excuse 8 me -- for minority-preferred candidates. And if that 9 relationship is significant and steep -- steep tells me 10 how many units of racial makeup in the precinct are 11 related to how many unit changes in vote for the 12 minority-preferred candidate or the majority-white 13 candidate. 14 So that, if a line is steep and moving from 15 left to right, like in Figure 1, that tells me that, as 16 the racial makeup of a precinct increases, that is 17 white, the share of vote in that precinct for the white 18 candidate goes up proportionately. 19 The slope is simply the change in the 20 racial makeup of a precinct to the change in the share 21 of vote for the white or minority-preferred candidate. 22 A slope of 1 would mean that, for every percentage 23 increase in the racial makeup of the voting precinct, 24 there is an equal 1 percent increase in the share of 25 vote for the white candidate; the same for the minority.</p>	<p style="text-align: right;">40</p> <p>1 Q. So for purposes of your table -- figures in 2 your report, you considered Chris Gonzalez to be a 3 preferred Hispanic candidate? 4 A. That is correct. 5 Q. Okay. You kind of did this already, but I'm 6 going to ask you, if you did it, to do it again. And 7 that is to walk me through Figures 1, 2, 3, and 4, your 8 charts, and -- and just tell me what they mean, how to 9 read them. 10 A. So, as I said before, what I'm trying to 11 ascertain is if the racial makeup of a voting precinct 12 is related to the support for the preferred -- excuse 13 me -- preferred minority candidate or the preferred 14 majority racial group. 15 And what we do on the horizontal axis is 16 simply tell you what the racial makeup of each voting 17 precinct was in each of the elections conducted between 18 2015 and 2017. That goes from, oh, you know, around 19 50 percent to 100 percent for whites; obviously 20 different for Hispanics. 21 I then identify the white or minority, in 22 this case Hispanic surname, candidate, and simply ask, 23 if the racial makeup of the precinct changes, how does 24 the vote share for candidates, by race, change. 25 A slope. A slope is simply the change</p>

11 (Pages 41-44)

<p style="text-align: right;">41</p> <p>1 in the number of -- or share of vote for a candidate 2 matched with a change in the proportion of vote, white 3 or Hispanic.</p> <p>4 A positive line, a line -- and positive 5 means it goes from the lower left-hand to the upper 6 right-hand corner. It tells me that there is a racially 7 polarized pattern of voting. As there are more white or 8 Hispanic people in the precinct voting, there will be 9 more votes for the white or Hispanic candidate.</p> <p>10 The strength of that relationship, the 11 significance of the racial polarized, is measured by 12 that slope. And as I said before, if there's a 13 1 percent change in the percent of people in the voting 14 precinct white and a 1 percent change in the proportion 15 of vote for the white candidate, that slope is 1. And 16 that is a positive, I would say. That's as extreme as 17 you can get for racial polarized voting.</p> <p>18 If it's negative, it slopes -- for 19 instance, in Figure 2, it slopes downward. That tells 20 me that, as the percent of Hispanic voters in the 21 precinct increases, the share of vote those voters give 22 to the white candidate goes down. And, again, as -- if 23 it approaches 1, that's extreme racial polarized voting.</p> <p>24 So if you start with Number 1, you find 25 that white voters tend to vote for white candidates.</p>	<p style="text-align: right;">43</p> <p>1 we've changed -- same elections; same candidates; same 2 precincts. Only difference is I'm now asking what 3 about Hispanic voters in precincts and their support 4 for white candidates, and the slope here is .99 -- 996. 5 It's negative. It means this is about total racial 6 polarization. Hispanic candidates will vote at 7 increasingly lower rates for white candidates, almost 8 1 to 1.</p> <p>9 Q. Did you mean Hispanic voters? I think you said 10 Hispanic candidates.</p> <p>11 A. Did I say -- voters, yes. I apologize. 12 Hispanic voters in precincts will vote 13 against, or not for, the white candidate at almost a 14 perfect 1-to-1 relationship. 1 percent increase in the 15 Hispanic share of vote in that precinct results in a 16 1 percent lower share of vote for the white candidate.</p> <p>17 I can -- you want me to -- I know you're 18 busy -- I didn't want to -- you were looking for 19 something, and I didn't want to --</p> <p>20 Q. No.</p> <p>21 A. -- interrupt you.</p> <p>22 Q. Continue, please.</p> <p>23 A. Figure 3 is the percent of white vote in each 24 precinct regressed or displayed with the percent of 25 Hispanic candidate vote. So in a precinct with white</p>
<p style="text-align: right;">42</p> <p>1 If you -- in my table figure, you can see the .856, in 2 the left-hand side of the figure.</p> <p>3 Q. Let's see. Yes, I do.</p> <p>4 A. There's the slope, correlation, and P.</p> <p>5 So .856 is -- gets very close to 1. There 6 is a statistical test of significance. Is that slope 7 significant or could it have happened just by chance? 8 And the answer is 99 -- .01 -- can you see that, .014? 9 Q. Yes, sir.</p> <p>10 A. That would mean that 99 times out of 100, if 11 you saw this distribution, you would conclude it was 12 nonrandom. It would mean that only 1 time out of 99 13 would you say that that relationship was random, as if 14 you were just throwing darts at a dartboard. And it's a 15 very --</p> <p>16 Q. And this Figure 1 --</p> <p>17 A. I'm sorry.</p> <p>18 Q. In this Figure 1 that we're talking about, are 19 white candidates voting for -- white voters voting for 20 white candidates?</p> <p>21 A. Yes.</p> <p>22 Q. Is that what Figure 1 is showing?</p> <p>23 A. Yes. So there we find highly polarized -- it's 24 not 1, but it -- you know, and .85 is -- is pretty high. 25 If you go down to Figure 2, here all that</p>	<p style="text-align: right;">44</p> <p>1 voters, as the share of the precinct's white vote goes 2 up, the share of -- excuse me -- the share of vote cast 3 for the Hispanic candidate goes down, and there the 4 slope actually exceeds 1.</p> <p>5 So what does that mean? It means that, for 6 every 1 percent increase in the share of votes that are 7 white, there is a 1.06 percent drop in the share of vote 8 casts for Hispanic candidates. So that level of extreme 9 polarization exceeds. It actually goes over the 10 1 percent change. There's even more drop in support 11 for Hispanic candidates as the precinct's share of 12 white voters goes up. And that, of course, is negative.</p> <p>13 Finally, Figure 4 is the percent of 14 Hispanic vote in each precinct and the share of vote for 15 each Hispanic candidate in that precinct. There, the 16 slope exceeds 1. That means that, with a 1 percent 17 increase in the percent of vote Hispanic in each 18 precinct, there is 1.13, or 13 percent, more votes for 19 the Hispanic candidate in that precinct.</p> <p>20 This suggests to me that white and Hispanic 21 voters are highly polarized when voting for candidates 22 who are white and Hispanic.</p> <p>23 Q. would you --</p> <p>24 THE WITNESS: Can I indulge and just ask if 25 I can get a glass of water?</p>

12 (Pages 45-48)

<p style="text-align: right;">45</p> <p>1 MR. CRAWFORD: In fact, we've been going 2 close to an hour. Would you like to take a short break? 3 THE WITNESS: If it's -- if it's all right. 4 I don't -- 5 MR. CRAWFORD: It is perfectly fine. Why 6 don't we take -- I've got 10:28. Do you want to take 7 five minutes? 8 THE WITNESS: That'll be fine. Thank you. 9 (Break from 10:28 to 10:34.) 10 Q. (BY MR. CRAWFORD) Before we left off, we were 11 talking about your analysis of racial polarization and 12 the four figures in your report. 13 Would you agree that your method of 14 assessing racially polarized voting in Spring Branch ISD 15 elections combines all ten of the contests that you 16 examined into one overall analysis, rather than an 17 election-by-election polarization analysis? 18 A. Yes, I -- I think, yes. 19 Q. Can we determine, from your reported analysis, 20 which specific election contests were polarized and to 21 what degree? 22 A. Yes. 23 Q. How would we do that? 24 A. So take a look at Figure 4. 25 Q. Okay.</p>	<p style="text-align: right;">47</p> <p>1 The regression technique is the same, but 2 I had only a universe of, I think -- I think about 73 3 election contest precincts. That's not a lot of cases. 4 It's sufficient to make statistical inferences and -- 5 and parametric statistics around 30. In fact, exactly 6 30 is about what you need. 7 And so I had, obviously, twice -- a little 8 more than twice 30 observations. So the inference -- 9 ecological inference wasn't necessary in estimating 10 polarization. The data, how can I say, speak for 11 itself. 12 Q. You did not run an EI analysis as a 13 confirmation or double-check? 14 A. No, I did not. 15 Q. Did you perform any racially polarized election 16 analysis using CVAP or Spanish surname registered 17 voters, as typically done in these cases? 18 A. Yes. I mean, we wanted to know the racial 19 or ethnic composition of the electric, and we used an 20 imputation that is -- we -- I think I discussed it on -- 21 help me here. I'll find it. It's on page -- give me a 22 second. 23 On Page 4 we identify the racial and 24 ethnic membership of each registered voter in each 25 election year, of course, in each election precinct,</p>
<p style="text-align: right;">46</p> <p>1 A. If you look at the points -- those are the 2 percentages -- you can see that some are closer and some 3 are further from that line that I've drawn. When you do 4 a regression, when you regress, when you look at the 5 slopes, some cases will be closer to the fitted line and 6 some will be further away. 7 So what we do here is we try to look at 8 the totality, all of the elections, and say that, 9 over the period 2015 to 2021, we find that there is 10 a statistically significant and strong -- there's a 11 difference between significant and strong -- 12 relationship. There are some elections where this 13 relationship may not be as strong as others. 14 Q. Did you perform any of the typical King's 15 ecological inference analysis on individual election 16 contests? 17 A. I use the -- the ecological inference mostly 18 for imputing -- 19 Q. That's normally known as EI, correct? 20 A. Yes, yes. 21 Q. Okay. 22 A. I use the ecological inference to impute the 23 racial and ethnic membership of each voter. But in this 24 analysis, there's some debate about whether or not this 25 is, in fact, ecological inference.</p>	<p style="text-align: right;">48</p> <p>1 using Imai and Khana's. This is the EI approach, I 2 believe, you're reporting -- or referring to. And, 3 as I said, it describes how we do it. 4 We use the Center for Disease Control's 5 racial and ethnic surname list, along with the census 6 data for the residential location of each voter, to 7 impute their race or ethnicity. And that, I think, is 8 recorded in the email that Barry sent you. And then we 9 use that estimate to say this person is Black, Hispanic, 10 Asian, white. 11 Q. Did you use a Bayesian Improved Surname 12 Geocoding analysis? 13 A. That -- that is how we -- I believe, on page -- 14 help me here. I think you're referring to -- oh, give 15 me another second. The Barreto, Cohen, Collingwood, and 16 Dunn paper, that's referred to as "A Novel Method for 17 Showing Racially Polarized Voting: Bayesian Improved 18 Surname Geocoding." 19 Q. And is that typical analysis of these types of 20 cases? 21 A. I'd be careful to use the word "typical." I 22 consider it the state of the art or the best practice. 23 It is not typical, and it has not been widely used in 24 the past. I -- and I cannot comment about -- I don't 25 know how widely used it is now, but, in the literature</p>

13 (Pages 49-52)

<p style="text-align: right;">49</p> <p>1 I have read, I consider this the best practice.</p> <p>2 Q. And why do you consider it best practice?</p> <p>3 A. Well, it's a long explanation, and I apologize.</p> <p>4 Having taught -- having taught this in my survey</p> <p>5 research class, I believe it does two things. It</p> <p>6 leverages a lot of information. It leverages the</p> <p>7 surname of a person. It leverages where they live,</p> <p>8 and that -- the research about how people choose where</p> <p>9 they live tells you a lot about who they are, Democrats,</p> <p>10 Republicans, African Americans, and Hispanics.</p> <p>11 So I am -- how can I say? -- convinced,</p> <p>12 not so much by the Barreto article, but by the</p> <p>13 Imai and Khana paper. And I've taken some time to</p> <p>14 talk to Imai and Khana about this for other research</p> <p>15 that I have conducted, and I'm convinced that it is the</p> <p>16 most exact means of measuring racial without, of course,</p> <p>17 surveying the voter themselves.</p> <p>18 Q. Anything else you'd like to add to --</p> <p>19 A. No.</p> <p>20 Q. -- that answer?</p> <p>21 Okay. Great. Then let's now turn to your</p> <p>22 proposed illustrative district, and that is on Page 8 of</p> <p>23 your report.</p> <p>24 A. Yeah.</p> <p>25 Q. And Page 8 has a table, Table 1, and then,</p>	<p style="text-align: right;">51</p> <p>1 And then, as Exhibit 4, I'd like to mark</p> <p>2 just a bigger copy of the map from your report. This</p> <p>3 was a page from a document filed by the Plaintiff in the</p> <p>4 case, and it just simply replicates your map and your</p> <p>5 Table Number 1. I did this because I might want to draw</p> <p>6 on it, and it's kind of bigger. But it should be the</p> <p>7 same table and map that's in your report.</p> <p>8 (Exhibit 4 identified.)</p> <p>9 Q. And so the first question I have for you is</p> <p>10 Exhibit 3, which is the colored map, is this the map</p> <p>11 of the middle school attendance zones that you're</p> <p>12 referring to that you based your table -- your</p> <p>13 demonstrative map off of?</p> <p>14 A. Yes.</p> <p>15 Q. And I believe you've already told me this, and</p> <p>16 so just confirm that you have. But you got -- where did</p> <p>17 you get the 52.8 percent Hispanic citizen voting age</p> <p>18 population for your District 1?</p> <p>19 A. Mr. Golando had shared that with me from the</p> <p>20 ACS.</p> <p>21 Q. Okay. And we've already talked about that in</p> <p>22 fair detail?</p> <p>23 A. (Nods head.)</p> <p>24 Q. Any other information that went into providing</p> <p>25 that number of 52.8 percent?</p>
<p style="text-align: right;">50</p> <p>1 below it, a demonstrative map of a single-member</p> <p>2 district.</p> <p>3 My first question is what did you do to</p> <p>4 create the map?</p> <p>5 A. I didn't really do very much. I started with</p> <p>6 the seven districts that the Spring Branch ISD has</p> <p>7 identified as polling places. Those were, of course,</p> <p>8 the basis of my voter polarization analysis.</p> <p>9 And other than obtaining, from Mr. Golando,</p> <p>10 the data from the American Community Survey, I</p> <p>11 identified at least one, District Number 1, where there</p> <p>12 was a sufficient -- in this case, majority -- of</p> <p>13 Hispanic voting age to create a district.</p> <p>14 (Exhibit 3 identified.)</p> <p>15 Q. Okay. I would like you to look at what I'm</p> <p>16 going to ask Dana to mark as Exhibit 3, which is the</p> <p>17 color map, that hopefully was forwarded to you. And</p> <p>18 it's --</p> <p>19 A. Hold on; hold on. Okay. Not the one in the</p> <p>20 report?</p> <p>21 Q. No, no. But that's going to be the next one.</p> <p>22 It's this one right here.</p> <p>23 A. Yes, yes. I've got it. Okay.</p> <p>24 Q. Great. I'd like to mark that as Exhibit 3, the</p> <p>25 colored map.</p>	<p style="text-align: right;">52</p> <p>1 A. No.</p> <p>2 Q. Okay. Also looking at Table 1 -- and I'll just</p> <p>3 use District 1 as the example -- you have a voting age</p> <p>4 population of 18,782, and a citizen voting age</p> <p>5 population of 9,180.</p> <p>6 Can you explain the difference in those two</p> <p>7 numbers, the reason why?</p> <p>8 A. Well, I suspect it will be noncitizens.</p> <p>9 Q. Is that because many Hispanic residents are</p> <p>10 noncitizens?</p> <p>11 A. I don't know if many are, but I -- I would say</p> <p>12 that it is due to the fact that residents -- some</p> <p>13 residents, and a large number in that district, are not</p> <p>14 citizens. And it would infer that, if it's heavily</p> <p>15 Hispanic, that, yes, some portion of them, probably as</p> <p>16 many as half.</p> <p>17 Q. Would it also be due to, in general, Hispanic</p> <p>18 residents tend to be younger, and, therefore, not</p> <p>19 vote -- not of voting age?</p> <p>20 A. Those are reasonable hypotheses, but I -- I</p> <p>21 just don't -- I mean, to answer that definitively, I</p> <p>22 can't tell you. I have not looked at that data.</p> <p>23 Q. And in your proposed District 1, you have a</p> <p>24 52.8 percent Hispanic citizen voting population. Do you</p> <p>25 know would that have been possible prior to the 2020</p>

14 (Pages 53-56)

<p>53</p> <p>1 census?</p> <p>2 A. I don't know. I have not looked at that data.</p> <p>3 Q. In determining the numbers and percentages</p> <p>4 of your Hispanic population for your map, did you use</p> <p>5 Hispanic surname data?</p> <p>6 A. This data, which comes from the ACS, would have</p> <p>7 used self-reported Hispanic identification. That's my</p> <p>8 understanding of the ACS and data I've used in the past.</p> <p>9 Q. If you -- if you could tell me, what is</p> <p>10 "raking"?</p> <p>11 A. (No response.)</p> <p>12 Q. Raking, r-a-k-i-n-g.</p> <p>13 A. In what -- I'm sorry. I don't know. Raking</p> <p>14 leaves? Raking data?</p> <p>15 Q. No. In terms of constructing illustrative</p> <p>16 districts, are you familiar with the process known as</p> <p>17 "raking"?</p> <p>18 A. I am not. I'm not certain. I'm -- I'm</p> <p>19 familiar with it in very different survey research</p> <p>20 contexts.</p> <p>21 Q. And another phrase it may go by -- maybe this</p> <p>22 will sound more familiar -- is "iterative proportional</p> <p>23 fitting." Are you familiar with that?</p> <p>24 A. I -- I have heard the term, but I couldn't give</p> <p>25 you a definitive def- -- no.</p>	<p>55</p> <p>1 Q. But you have not attempted to draw any other</p> <p>2 map, other than the one that is on Page 8 of your</p> <p>3 report --</p> <p>4 A. No.</p> <p>5 Q. -- right?</p> <p>6 A. No, I have not.</p> <p>7 Q. Did you -- did you take into account or respect</p> <p>8 census blocks when you were creating your illustrative</p> <p>9 map?</p> <p>10 A. No, I did not.</p> <p>11 Q. Did race predominate in your creation of</p> <p>12 District 1 of your illustrative map? Was that the</p> <p>13 predominate factor you considered, race?</p> <p>14 A. That's a hard question. I -- I don't want</p> <p>15 to be evasive. Let me -- let me say exactly what I</p> <p>16 attempted to do.</p> <p>17 Because I was doing racial polarized voting</p> <p>18 based on seven districts, it seemed logical to use those</p> <p>19 seven districts as the initial illustrative or</p> <p>20 demonstrative. So the only consideration I gave was</p> <p>21 what are the current district boundaries.</p> <p>22 I'll give you an example. I did not look</p> <p>23 for one person, one vote. I don't know if these are --</p> <p>24 if they meet that one -- the Baker -- Baker Carr, like</p> <p>25 every district has to be within a top-to-bottom</p>
<p>54</p> <p>1 Q. Okay.</p> <p>2 A. I wouldn't feel comfortable.</p> <p>3 Q. And you did not use that method or analysis in</p> <p>4 creating your illustrative district?</p> <p>5 A. No.</p> <p>6 Q. Do you understand the term "traditional</p> <p>7 districting principles"?</p> <p>8 A. Not -- I mean, the -- it makes perfect sense</p> <p>9 to me, but I don't know what you're referring -- I mean,</p> <p>10 I don't know what those conditions would be.</p> <p>11 Q. Okay. In creating your map, the demonstrative</p> <p>12 district, did you respect neighborhoods and</p> <p>13 subdivisions? Did you try to keep those intact?</p> <p>14 A. No. I took the districts that currently exist</p> <p>15 for the purposes of conducting elections for trustee</p> <p>16 elections. I have to say that was the sole criteria;</p> <p>17 that is, the districts -- enrollment districts</p> <p>18 corresponded to the voting places.</p> <p>19 And as I said -- I think we call this a</p> <p>20 demonstrative or illustrative district map -- there</p> <p>21 might be other -- I think I said in my report there</p> <p>22 are -- it doesn't preclude other district plans, other</p> <p>23 configurations that could be done following other</p> <p>24 practices I would have used in drawing district</p> <p>25 boundaries -- have used in drawing district boundaries.</p>	<p>56</p> <p>1 10 percent.</p> <p>2 I simply said, if you were to create a</p> <p>3 district map from the current voting locations, what</p> <p>4 would it look like; could there actually have been a</p> <p>5 majority/minority? I did not attempt to do any other</p> <p>6 drawings or use other criteria.</p> <p>7 Q. Okay. So I would like you to have in front</p> <p>8 of you, if you're able to, both the colored map of the</p> <p>9 district boundaries and either the map from your report</p> <p>10 or Exhibit 4, whichever is easier for you to refer to.</p> <p>11 A. I've got my -- the map from my report.</p> <p>12 Q. Okay. And I note that, although your</p> <p>13 illustrative map is similar to the attendance districts</p> <p>14 in Exhibit 3, they're -- they're not exactly the same.</p> <p>15 Would you agree with that?</p> <p>16 A. I -- I have to check that. I had thought they</p> <p>17 were exactly the same. They may deviate a little, but</p> <p>18 I -- I --</p> <p>19 Q. All right.</p> <p>20 A. The answer is I don't know.</p> <p>21 Q. Okay. So, for example, I'm going to draw on</p> <p>22 my copy of the map -- and hopefully you're able to see</p> <p>23 this. This is why in person is so much more fun than</p> <p>24 Zoom.</p> <p>25 I have drawn a circle between District 1</p>

15 (Pages 57-60)

<p style="text-align: right;">57</p> <p>1 and District 7 that has, like, a little jut in it. Are 2 you able to see what I'm talking about?</p> <p>3 A. Yes, I do. I do.</p> <p>4 Q. Okay. And that does not appear on the district 5 boundary. That's a change from the normal attendance 6 boundary to your proposed map.</p> <p>7 And so my question is can you explain to me 8 why you have that little jut in your proposed district?</p> <p>9 A. I can't. Those were maps that were shared 10 with -- with me by Mr. Golando, and they may have 11 reflected a slight change in the makeup, the deviation 12 from the current enrollment districts. I had not 13 noticed that before.</p> <p>14 Q. Okay. And then similarly, between your 15 Districts 5 and 6, there's a little jut, you know, 16 a little kind of carve-out that is not as part of the 17 regular attendance boundaries. Can you explain why?</p> <p>18 A. Again, I assume that that was a change that 19 Mr. Golando had made to adjust boundaries for the 20 demonstrative plan.</p> <p>21 Q. Okay. And can you explain why your proposed 22 District 6 is the only proposed district that is both 23 north and south of I-10?</p> <p>24 A. No, I can't, other than it seemed to follow the 25 boundaries of enrollment districts.</p>	<p style="text-align: right;">59</p> <p>1 chart, that the Spring Forest Middle School is highly 2 segregated?</p> <p>3 A. Spring Forest?</p> <p>4 Q. The Spring Forest Middle School that has 5 .42 percent white and .36 percent Hispanic.</p> <p>6 A. Well, again, the -- what you -- maybe I should 7 go back and make clear what I mean by disparity or 8 highly segregated.</p> <p>9 So if you have a district that currently 10 has -- go up to Page 9 -- Page 9, middle paragraph, 11 "The dissimilarity index captures how proportional 12 Hispanics and Whites are distributed across the 13 district."</p> <p>14 So if Spring Branch ISD is composed of 15 26.7 percent white and 59.2 Hispanic, that's the 16 baseline from which you would expect to see the 17 distribution deviate. And what I've noticed is that 18 there's a significant deviation from that proportional 19 distribution. There's some districts that -- and 20 schools, some enrollment districts that are more and 21 some less.</p> <p>22 What constitutes the degree of 23 dissimilarity is a judgment that I drew from the 24 literature, and anything around .3 to .6 is moderate, 25 anything above .6, in the dissimilarity indexes are,</p>
<p style="text-align: right;">58</p> <p>1 Q. Did you do anything to check to confirm that 2 your proposed District 1 will, in fact, have the effect 3 of allowing Hispanic voters to elect the trustee of 4 their choice?</p> <p>5 A. Other than the majority voting age population, 6 that is of course Hispanic, no.</p> <p>7 Q. Did you run any simulated elections?</p> <p>8 A. No, I did not.</p> <p>9 Q. I'd like to turn now to Page 10 of your report.</p> <p>10 A. Page?</p> <p>11 Q. 10, 1-0.</p> <p>12 A. Okay.</p> <p>13 Q. And I guess I need to at least -- I need to 14 start with Page 9 because I think it's the setup for the 15 question. And on the bottom of Page 9, you identify 16 certain percentages indicating whether you have low, 17 middle, or high levels of segregation.</p> <p>18 And so, based on those numbers, on Page 10 19 you say "There is strong evidence that the racial and 20 ethnic makeup of Spring Branch schools and enrollment 21 districts is highly segregated." And then you have a 22 chart.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. So my question is are you saying, with this</p>	<p style="text-align: right;">60</p> <p>1 in some cases at the school level, .69 and .59. So yes.</p> <p>2 To your question, is Spring Forest 3 significantly dissimilar or -- or segregated, I'd say 4 so. Those indexes are -- are pretty high and not, 5 again, due to what I will call chance, but to some force 6 that's moving those students into a highly dissimilar 7 racial and ethnic makeup.</p> <p>8 Q. And would your answer be the same as to the 9 Spring Branch Middle School? It's the one right below 10 Spring Forest.</p> <p>11 A. Yeah, I -- I would say those numbers are almost 12 identical. And when you compare them to the -- you 13 know, they're -- the word -- the term I would use would 14 be "moderate dissimilarity."</p> <p>15 Q. What about Memorial Middle School? What would 16 you consider Memorial Middle School?</p> <p>17 A. I would consider that from moderate to 18 beginning to get high-moderate.</p> <p>19 Q. On Page 11 of your report -- we've talked about 20 this briefly already, and I told you I'd come back to 21 it, and I'd like to now. About some of the reports and 22 research, the scholarly literature that you looked at 23 and relied on, and you list some of it here on the top 24 of Page 11. Are you with me?</p> <p>25 A. Yes.</p>

16 (Pages 61-64)

<p style="text-align: right;">61</p> <p>1 Q. The first question I have for you, after you 2 cite a number of the studies, you say, "several studies 3 have reported null findings," n-u-l-l. What do you mean 4 by "null findings"?</p> <p>5 A. There was no significant effect between the 6 form of representation and the proportion of minority 7 representatives on these representative bodies. No 8 relationship. No positive; no negative; no significant 9 relationship. Null means you reject the null hypothesis 10 that there is -- you accept the null hypothesis that 11 there's no -- no relationship here.</p> <p>12 Q. And then in Footnote 4, you note that, 13 "The authors qualify their null findings by noting 14 that Hispanics may be able to profit from at-large 15 districting when they are a majority of the population." 16 Do you agree with that statement?</p> <p>17 A. Do I agree that -- that they wrote that, or 18 that I agree with --</p> <p>19 Q. I guess, first, do you agree that they wrote 20 it, and, second, do you agree with their conclusion?</p> <p>21 A. Yes, it's their conclusion. I think that I 22 would say that that is probably true, in the literature, 23 yes. Yes, I would agree with the statement.</p> <p>24 Q. Based on the --</p> <p>25 A. Excuse me.</p>	<p style="text-align: right;">63</p> <p>1 MR. CRAWFORD: Oh, Exhibit 5. 2 THE REPORTER: Okay. 3 MR. CRAWFORD: Thank you. 4 (Exhibit 5 identified.) 5 Q. Dr. Stein, do you have that? 6 A. Let me get it up. 7 Q. Sure. 8 A. Give me one second. I had it up, and I'm 9 trying to -- what's the word here? And you're referring 10 to the Meier and Rutherford? 11 Q. Meier and Rutherford. 12 A. Well, I can't find it. Give me a second. 13 I know I had it a second ago, and I apologize. 14 Q. Oh, no problem. You're doing a great job. 15 A. I got it. I got it. 16 Q. Okay. I'd like to ask you a couple of 17 questions about this article. The first page -- first 18 of all, this is the article that you're referring to in 19 your report? 20 A. Yes. 21 Q. Okay. The first page of the report, which is 22 Page 265, towards the bottom of the left-hand column of 23 the page, states that "African Americans actually do 24 better in at-large systems. Although this minority 25 group has been disadvantaged by at-large districts</p>
<p style="text-align: right;">62</p> <p>1 Q. No, no problem. 2 Based on the population trends in 3 Spring Branch from, say, you know, the 2010 census to 4 the 2020 census, the Hispanic population is growing in 5 Spring Branch, correct?</p> <p>6 A. I -- I don't want to be evasive, but I don't 7 know that. I mean, if you said that to me -- I have 8 not looked at the growth in Hispanic population in 9 Spring Branch. Honestly, I just don't know.</p> <p>10 Q. So you don't -- you don't know, one way or the 11 other, whether Hispanics will be the majority population 12 in Spring Branch in the near future?</p> <p>13 A. I would -- I could not make that judgment at 14 this time.</p> <p>15 Q. You reference a study by Meier and Rutherford 16 and a study by Welch and Karnig for the proposition that 17 "Two studies have reported a negative relationship 18 between single-member district elections and minority 19 representation." 20 Do you see that reference?</p> <p>21 A. Yes.</p> <p>22 MR. CRAWFORD: I would like Dana to mark as 23 Exhibit 4 a copy of the Meier and Rutherford article. 24 THE REPORTER: I believe we did the 25 black-and-white map as Exhibit 4.</p>	<p style="text-align: right;">64</p> <p>1 30 years ago, they have since overcome these hurdles and 2 now appear to be better off under this type of electoral 3 structure in the case of school board elections." 4 Are you aware of this finding by Meier and 5 Rutherford? 6 A. Yes. 7 Q. Do you agree or disagree with it? 8 A. I think that that is -- I think that the -- 9 that their explanation, which comes in later, I agree 10 with. This is not the full explanation for what's going 11 on. 12 Q. I'd like to turn to the next page of the 13 article, Page 266, the -- the second full paragraph 14 on the left-hand column, beginning with the word 15 "other studies." 16 A. Got it. 17 Q. Okay. This says that "Other studies question 18 the detrimental impact of at-large elections on 19 descriptive representation, either disputing the 20 negative impact on minorities in general or suggesting 21 that the impact has disappeared over time," citing 22 MacManus and but see Davidson. 23 "Other studies find that no impact of 24 electoral structure include Fraga and Elis's 2009 25 examination of Latino representation in school districts</p>

17 (Pages 65-68)

<p style="text-align: right;">65</p> <p>1 in California."</p> <p>2 A. Yes, sir.</p> <p>3 Q. Are you aware of those studies?</p> <p>4 A. Yes.</p> <p>5 Q. Do you dispute the findings of those studies?</p> <p>6 A. No, no. I -- I'm aware of them. I don't --</p> <p>7 I think they -- my characterization in my report -- if</p> <p>8 I could go to that --</p> <p>9 Q. Please do.</p> <p>10 A. -- for a second -- is this -- hold on.</p> <p>11 On Page 11 of my report --</p> <p>12 Q. Yes, sir.</p> <p>13 A. -- second paragraph, so I -- the Meier and</p> <p>14 Rutherford, Welch and Karnig, and I'd -- I'd even</p> <p>15 include the Cole paper, the MacManus paper, which show</p> <p>16 no result.</p> <p>17 There are two factors that explain what</p> <p>18 I would call the lack of unanimity in this field, right.</p> <p>19 I mean, the -- if you look at the totality of research,</p> <p>20 although it -- the balance is single-member districts</p> <p>21 do tend to promote minority representation, there are</p> <p>22 a good number of papers that show not.</p> <p>23 So I offer the explanation that there are</p> <p>24 two explanations, I think, in the literature. I think</p> <p>25 even Ken points this out, Ken and Ms. Rutherford. One</p>	<p style="text-align: right;">67</p> <p>1 representation producing the effect he sees.</p> <p>2 Q. On the same page on the right-hand side of</p> <p>3 the paper, the first full paragraph talks about, "The</p> <p>4 literature has also ignored one fundamental element of</p> <p>5 U.S. elections, the role of partisanship."</p> <p>6 And I won't read the whole paragraph for</p> <p>7 you, but I'd ask you to read it and just ask, do you</p> <p>8 agree with the statements that he's making in that</p> <p>9 paragraph?</p> <p>10 A. Yes, yes.</p> <p>11 Q. What about Spring Branch ISD elections? Did</p> <p>12 you look into the role of partisanship in the outcome of</p> <p>13 SBISD elections?</p> <p>14 A. No, I did not.</p> <p>15 Q. Further down the page, same page 266, it's</p> <p>16 the last full paragraph, and it begins with, "Although</p> <p>17 framed as a way."</p> <p>18 A. Yes.</p> <p>19 Q. The second sentence of that paragraph reads,</p> <p>20 "The low turnout of nonpartisan school board elections</p> <p>21 held in the spring has meant an electorate dominated by</p> <p>22 those with a direct interest in schools, primarily</p> <p>23 parents and teachers."</p> <p>24 Do you agree with that statement?</p> <p>25 A. Yes. I mean, I think that -- yes. I don't</p>
<p style="text-align: right;">66</p> <p>1 is that the nature of electoral reform on minority</p> <p>2 representation is contingent. And the other, to be very</p> <p>3 simple and blunt, is that the quality of the research</p> <p>4 and the research designs of some older research is</p> <p>5 simply not sufficient to answer the question at hand.</p> <p>6 I think that some of the cross-sectional</p> <p>7 work -- and I would include in this Ken's and</p> <p>8 Ms. Rutherford's paper. It is a 2014 paper. Others</p> <p>9 that I've -- Abbott and Magazinnik use much more</p> <p>10 powerful, much more improved and state of the art.</p> <p>11 And I want to be clear here. We -- we did</p> <p>12 not have these types of tools in 2000 or 2014, and we</p> <p>13 surely didn't have these tools for causal inference in</p> <p>14 the previous century.</p> <p>15 So my conclusion about these papers is</p> <p>16 that -- that they're -- are they wrong? They're simply</p> <p>17 not using the most sophisticated scientific methods for</p> <p>18 answering the question at hand. I'm not suggesting</p> <p>19 that, at the time that they were written, they were</p> <p>20 wrong. I'm simply suggesting we've advanced, and that</p> <p>21 advancement has given us a better and more reliable and</p> <p>22 valid answer to the question about representation.</p> <p>23 So I didn't write the articles, but I do</p> <p>24 think that Ken would agree with -- as he says, it's</p> <p>25 contingent on a condition of larger size minority</p>	<p style="text-align: right;">68</p> <p>1 think there's any -- yes, I do agree with this</p> <p>2 statement.</p> <p>3 Q. And is that -- is that a good or a bad thing,</p> <p>4 that --</p> <p>5 A. I don't have a judgment about --</p> <p>6 Q. -- that the electorate is dominated by teachers</p> <p>7 and parents?</p> <p>8 A. I -- I don't have an opinion on whether that's</p> <p>9 good or bad.</p> <p>10 Q. Fair enough.</p> <p>11 Do you know whether -- and I'm not talking</p> <p>12 about school board elections. But, in general, whether</p> <p>13 the population of Spring Branch ISD has a democratic or</p> <p>14 a republican voting majority?</p> <p>15 A. I don't know. I do not know.</p> <p>16 Q. And, finally, my last question about this</p> <p>17 article is on Page 275, left-hand column, the last</p> <p>18 full paragraph, beginning "One open question." And</p> <p>19 the very last sentence of that paragraph states,</p> <p>20 "Election systems establish the rules of the game and</p> <p>21 incentives; they do not necessarily determine winners."</p> <p>22 Do you agree with that statement?</p> <p>23 A. You're just a few steps ahead of me.</p> <p>24 Q. Oh, I'm sorry.</p> <p>25 A. Page 170?</p>

18 (Pages 69-72)

<p style="text-align: right;">69</p> <p>1 Q. 275.</p> <p>2 A. 275. Right- or left-hand column?</p> <p>3 Q. Left-hand column.</p> <p>4 A. Okay. And the --</p> <p>5 Q. The last full paragraph, beginning "One open</p> <p>6 question."</p> <p>7 A. Got it.</p> <p>8 Q. And it's the very last sentence. And rather</p> <p>9 than reread it again, I'll just ask you if you agree</p> <p>10 with that statement?</p> <p>11 A. I'd agree with it.</p> <p>12 (Exhibit 6 identified.)</p> <p>13 Q. I'd like to mark, as Exhibit 6, the next</p> <p>14 article that I sent you in advance from Susan Welch.</p> <p>15 A. Yes. Give me one second.</p> <p>16 Q. No problem.</p> <p>17 A. I've got to close one. I'm just running out</p> <p>18 of -- okay. I'm ready.</p> <p>19 Q. Okay. Are you familiar with Susan Welch?</p> <p>20 A. Yes, very, very familiar with her.</p> <p>21 Q. You kind of smiled and -- and like you have a</p> <p>22 good relationship?</p> <p>23 A. I -- I've known her, I suspect, longer than --</p> <p>24 I met Susan Welch when I started graduate school. I</p> <p>25 won't tell you when that was, but a long -- I've known</p>	<p style="text-align: right;">71</p> <p>1 "showed that, among the major types of electoral</p> <p>2 systems, Hispanic representation is slightly more</p> <p>3 equitable in district than pure at-large elections,</p> <p>4 but most equitable in mixed systems."</p> <p>5 And she cites a TaebeI article, from 1978,</p> <p>6 that, "like MacManus, found that Hispanics were best</p> <p>7 represented in mixed systems."</p> <p>8 And she cites Welch and Karnig, 1978, for</p> <p>9 finding "that structure makes hardly any difference for</p> <p>10 Hispanic representation."</p> <p>11 So my first question to you is are you</p> <p>12 familiar with these three studies?</p> <p>13 A. Yes. I mean, I -- I can't tell you I've read</p> <p>14 the papers recently, but -- and I did not read them for</p> <p>15 this report. But I am -- I know of the -- I know about</p> <p>16 that work, yes.</p> <p>17 Q. And do you know -- do you agree or disagree</p> <p>18 with their conclusions, as stated in Dr. Welch's</p> <p>19 article?</p> <p>20 A. I don't disagree with their findings. I mean,</p> <p>21 whether they're generalizable to the 21st century, to</p> <p>22 the contemporary situation in Spring Branch, I have not</p> <p>23 made a conclusion.</p> <p>24 Q. Okay. And just so we're clear, when we're</p> <p>25 talking "mixed system," we're talking about a system</p>
<p style="text-align: right;">70</p> <p>1 her a long time, yes.</p> <p>2 Q. And she -- is she a professor at the University</p> <p>3 of Nebraska?</p> <p>4 A. No. She -- she's a retired emeritus from the</p> <p>5 University -- Pennsylvania State. She was at Nebraska</p> <p>6 when she wrote that paper.</p> <p>7 Q. Okay. And the article that I have given you</p> <p>8 is called "The Impact of At-Large Elections on the</p> <p>9 Representation of Blacks and Hispanics." And this</p> <p>10 apparently is from the Journal of Politics from 1990.</p> <p>11 And the report that you cite in your</p> <p>12 report, on Page 11, is Welch and Karnig 1978. Do you</p> <p>13 know if this Exhibit 6 is an update of that 1978 study?</p> <p>14 A. It -- it's a -- yeah, it's -- the word "update"</p> <p>15 wouldn't -- I'd just say it's based on the same data</p> <p>16 and -- and a further analysis, yes.</p> <p>17 Q. And I'd like to ask you just a few questions</p> <p>18 about some of the statements that Dr. Welch made in her</p> <p>19 article. The first page I'd like to ask you questions</p> <p>20 about is on Page 1053 of the article.</p> <p>21 A. Okay. I'm on that page.</p> <p>22 Q. Okay. And the top of the -- the top paragraph</p> <p>23 says, "The findings concerning election structures and</p> <p>24 Hispanic representation are, however, less clear cut."</p> <p>25 And then she cites the MacManus 1978 study,</p>	<p style="text-align: right;">72</p> <p>1 that has one or more at-large positions and one or more</p> <p>2 single-member positions, correct?</p> <p>3 A. That's correct, yes.</p> <p>4 Q. Okay. So if we were to accept the results</p> <p>5 of these studies as being accurate, would a mixed</p> <p>6 Spring Branch ISD system be more equitable to Hispanics</p> <p>7 than a pure single-member system?</p> <p>8 MR. ABRAMS: Objection to the form of the</p> <p>9 question.</p> <p>10 A. You know, I just -- you know, it's a fair</p> <p>11 question; one that should be studied. I did not.</p> <p>12 I can't form an opinion for the Spring Branch ISD.</p> <p>13 Q. Fair enough.</p> <p>14 Turning to Page 1065 of Dr. Welch's</p> <p>15 article.</p> <p>16 A. 260?</p> <p>17 Q. 1065.</p> <p>18 A. Oh, 1065?</p> <p>19 Q. Yes, sir.</p> <p>20 A. Yes, I'm there.</p> <p>21 Q. And I think she is simply reiterating what</p> <p>22 she stated on the page that we were just looking at.</p> <p>23 Under the heading "Hispanic Representation," the first</p> <p>24 full paragraph, last sentence, she states, "Hispanics</p> <p>25 appear to do somewhat better in cities with both</p>

19 (Pages 73-76)

<p style="text-align: right;">73</p> <p>1 at-large and district elections than in either of 2 the pure types."</p> <p>3 Do you see that reference?</p> <p>4 A. Yes.</p> <p>5 Q. And your answer, on whether you agree or 6 disagree, would be the same as we just discussed before?</p> <p>7 A. Yes, I'm -- it's not a question I -- you know, 8 it's a -- it's a fair question, but it is not one that 9 I looked at for this -- the purposes of this report and 10 case.</p> <p>11 Q. Turning to Page 1067 of her report.</p> <p>12 A. 1067, got it.</p> <p>13 Q. Yes. The paragraph that begins "Another 14 complicating factor."</p> <p>15 A. Got it.</p> <p>16 Q. Okay. About a little bit more than halfway 17 down the paragraph, she states, "In Texas, on the other 18 hand, Hispanic representation is quite high (.83) in 19 mixed systems."</p> <p>20 Do you know where she got that from, those 21 statistics?</p> <p>22 A. No, I do not.</p> <p>23 Q. You're not in a position to either agree or 24 disagree with those statistics?</p> <p>25 A. No, I -- you know, I want to be very clear</p>	<p style="text-align: right;">75</p> <p>1 (Exhibit 7 identified.)</p> <p>2 Q. And, Dr. Stein, I'd ask if you could get that 3 in front of you?</p> <p>4 A. Let me get that up. Give me one second. I've 5 just got -- I've got so many -- okay. I'm just about -- 6 I had to close the Welch and -- I think it's -- no. 7 I've got -- I'm sorry. I keep opening up the Meier and 8 Rutherford one. I'll get it. Give me just a second. 9 Wait a minute. Where is it? Oh, you added that. That 10 was the one that -- in the second --</p> <p>11 Q. Yes, sir. Yes, sir, that was the one.</p> <p>12 A. Yeah, I've got all these attachments, and that 13 was in Barry's second attachment. There it is. I got 14 it.</p> <p>15 Q. Great. And I'm going to -- I'm going to ask 16 you a question about this article, and I'm going to 17 refer it to something you stated on Page 9 of your 18 report.</p> <p>19 A. Okay.</p> <p>20 Q. So it's going to be kind of a compare and 21 contrast. And so I would like you to look at the 22 Abbott article and go to Page 726.</p> <p>23 A. Got it.</p> <p>24 Q. And there is a highlighted paragraph on that 25 page on the right-hand column. And rather than read it,</p>
<p style="text-align: right;">74</p> <p>1 here. I think Susan's a fine scholar, and I -- these 2 are peer-reviewed, but I have no idea where that data 3 came from.</p> <p>4 Q. And on a similar question on Page 1072 of her 5 report.</p> <p>6 A. Yes, I'm there.</p> <p>7 Q. The very last paragraph, second sentence, she 8 states, "Overall, district elections do not promote more 9 equitable representation for Hispanics."</p> <p>10 And then, skipping a sentence, she says, 11 "We found that small Hispanic populations are best 12 represented in mixed elections."</p> <p>13 Do you have any comment on those findings?</p> <p>14 A. No. I mean, again, I'm not questioning her 15 findings. I'm simply saying that I have no basis for 16 making a judgment.</p> <p>17 Q. Page 11 of your report also discusses a report 18 from Abbott -- and I'm going to butcher his coauthor's 19 last name. It starts with an M.</p> <p>20 A. Magazinnik.</p> <p>21 Q. Magazinnik?</p> <p>22 A. We both will make the same mistake.</p> <p>23 Q. Okay. I would ask Dana to mark, as Exhibit 7, 24 a copy of the Abbott and the name we can't pronounce 25 report.</p>	<p style="text-align: right;">76</p> <p>1 I would just ask you to read it to yourself, and let me 2 know after you've had a chance to do that.</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you've had a chance to read what 5 Abbott said in that paragraph?</p> <p>6 A. (Nods head.)</p> <p>7 Q. On Page 9 of your report, the next -- the last 8 full paragraph on that page, you cite, Researchers, 9 Abbott and our other author from the 2020 study. Is this 10 the report that you're referring to in your report?</p> <p>11 A. Let me just quickly read it.</p> <p>12 Q. Sure.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And you say that Abbott -- and some other 15 researchers, but we're talking about the Abbott report -- 16 "identify dissimilarity index scores below .3 as 17 indicating low levels of segregation, .3 to .6 as 18 moderate levels of segregation, and .6 and above as 19 high levels of segregation. SBISD's dissimilarity 20 index score at the school level is .694 and .596 at 21 the enrollment zone level."</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So with the current Spanish surname 25 registered voter proportion for Spring Branch below</p>

<p style="text-align: right;">77</p> <p>1 20 percent and the Spanish surname registered voter 2 proportion among actual Spring Branch ISD 2021 board 3 election voters below 6 percent, would you agree that 4 Spring Branch ISD is in the category that the authors 5 identify as low on Latino eligible voters and high on 6 segregation? 7 A. Yes. 8 Q. Do you agree the conclusion in that case -- 9 with the conclusion in that case, in the case of 10 Spring Branch, that "reformers ought to carefully 11 consider moving forward with conversion efforts under 12 this set of adverse conditions"? 13 A. I'm not certain what they meant by "carefully 14 consider moving forward with conversion." What I would 15 believe you would want to be careful about is drawing 16 those districts to take into consideration the range of 17 concentration of Hispanic voters. 18 I think you would not necessarily be 19 cautious about making the conversion. I would be 20 careful about how to make that conversion and be more 21 careful about drawing those districts. 22 Q. Turning to Page 12 of your report, Section 9 of 23 your report deals with "The taxing and spending policies 24 of governments with at-large and single-member district 25 representation," correct?</p>	<p style="text-align: right;">79</p> <p>1 then you continue with the sentence. 2 And my question, on the front end, is what 3 is a subnational government? 4 A. It -- it's cities and counties and, of course, 5 rural districts and special districts. 6 Q. I thought that might be what it meant, but I 7 wasn't positive. 8 A. I apologize for the jargon. 9 Q. And then the next paragraph on this page, you 10 state that "The research on spending and taxing among 11 governments with different modes of representation 12 presumes that the higher levels of spending governments 13 in jurisdictions with single-member district 14 representation is both inefficient and nonrepresentative 15 of the preferences of the full community." 16 Do you agree with that presumption? 17 A. The literature has always -- yes, I -- I think 18 the characterization of the literature has been that 19 single and at-large differ because of this what we call 20 pork barrel spending hypothesis. I don't agree with 21 that being true, but I think the literature has been 22 dominated by that working hypothesis. 23 Q. And when you say "pork barrel spending," that 24 would be for single-member districts, correct? 25 A. That is correct.</p>
<p style="text-align: right;">78</p> <p>1 A. Yes. 2 Q. Do you -- how are Spring Branch ISD's Title I 3 funds affected by its having an at-large system? 4 A. I don't know. 5 Q. As part of Page 12 of your report, this 6 section, the last paragraph, it begins with a sentence 7 that states "Empirical support for a significant and 8 positive relationship between spending and the electoral 9 fortunes of single-member district representatives has 10 been mixed, modest, and conditional." 11 Do you see that? 12 A. Yes. 13 Q. What did you mean by that statement? 14 A. You know, it -- it's a -- it's a big 15 literature. I should point out I contributed to it with 16 my colleague Ken Bickers. And like a lot of things, 17 it's just not simple. 18 Spending levels, mixed in that large 19 system, seem to be conditional on a whole set of 20 factors, not the least of which is not only the form of 21 government but the composition and preferences of voters 22 in those districts. 23 Q. Turning to Page 13 of your report, the first 24 full paragraph, you state that "Research on the spending 25 and taxing policies of subnational governments," and</p>	<p style="text-align: right;">80</p> <p>1 Q. Okay. Page 14 of your report. And I note that 2 your report is only 15 pages long; so we're doing great. 3 The first full paragraph begins with 4 "A great number of minority school board members," and 5 it goes to talk about two reports. "Robinson, 2016, 6 finds that a great proportion of Hispanic board members 7 leads to less support for bilingual policies, popular 8 among Hispanic voters." 9 And you cite "Flink and Molina, from 2016, 10 as finding the level of Hispanic representation has a 11 positive effect on bilingual education spending only 12 when the proportion of bilingual population in the 13 district is relatively small." 14 My first question is do you agree with 15 those conclusions of those studies? 16 A. Yes, I think they are -- they are an accurate 17 result. 18 Q. And the next paragraph talks about a study by 19 Leal about teachers and administrators and particularly 20 Latino representation. 21 Do you know, in Texas, what the actual 22 percentage of the available teacher pool that is 23 Hispanic? 24 A. I don't. 25 Q. And do you know where Spring Branch level of</p>

21 (Pages 81-84)

<p style="text-align: right;">81</p> <p>1 Latino representation, how that corresponds with the 2 available pool in the state?</p> <p>3 A. No, I do not.</p> <p>4 Q. All right. I just have a few follow-up 5 questions, not from your report. We are now finished.</p> <p>6 Are you aware of the increase in 7 partisanship playing a role in school board elections?</p> <p>8 A. I am aware of news coverage of that, yes, and 9 I am aware of anecdotes like our -- I mean, I've read 10 accounts of that in the news, yes.</p> <p>11 Q. So I'd like Dana to mark, as Exhibit 8, our 12 final exhibit, which is a Press Release from the 13 Republican Party of Texas.</p> <p>14 A. I've seen it. Yes, I know -- I've got it right 15 here.</p> <p>16 (Exhibit 8 identified.)</p> <p>17 Q. First of all, before I -- before I showed this 18 to you, were you familiar with this press release?</p> <p>19 A. No, no. I just read news accounts.</p> <p>20 Q. Okay. And this is a --</p> <p>21 A. The press -- I don't -- I've not seen the 22 press release before, no.</p> <p>23 Q. Great. So this is a press release from the 24 Republican Party of Texas, dated December 6, 2021. And 25 the first paragraph of the press release reads, "As part</p>	<p style="text-align: right;">83</p> <p>1 were you aware of that?</p> <p>2 A. Yes, I was aware of the Harris -- of HISD, in 3 particular, and I've known about Cypress-Fairbanks. 4 And I should reveal to you that I have worked for 5 Cypress-Fairbanks before, both on bond elections and 6 redistricting.</p> <p>7 Q. And then the next two paragraphs, of the 8 press release, have statements from the Republican Party 9 Chairman Matt Rinaldi and the Republican Vice Chair 10 Cat Parks.</p> <p>11 Are you aware of the statements that these 12 two leaders of the Republican Party of Texas have made 13 regarding school board elections?</p> <p>14 A. Not until I read this press release, no.</p> <p>15 Q. Are you familiar with the Chris Earnest 16 election for the Spring Branch board?</p> <p>17 A. No, I'm not, I mean, other than what I've done 18 in my report. I mean, he's -- he's a data point, yes, 19 but I -- no, I don't know anything about the campaign.</p> <p>20 Q. Okay. So you're not aware, one way or the 21 other, whether the partisanship, that was expressed 22 by the GOP in the press release, played a role in the 23 election of Mr. Earnest?</p> <p>24 A. No, I am not aware of that.</p> <p>25 MR. CRAWFORD: Dr. Stein, I think that's</p>
<p style="text-align: right;">82</p> <p>1 of a growing commitment to advance conservative 2 principles on a local level, the Republican Party of 3 Texas, RPT, announced Monday an initiative to play a 4 greater role in nonpartisan races and ballot 5 propositions. As part of this initiative, the RPT 6 announced the creation of a Local Government Committee 7 composed of RPT Executive Committee members and local 8 GOP leaders. The committee will assist county parties 9 in electing conservative candidates in often-overlooked 10 school board and municipal elections."</p> <p>11 Were you aware that the Republican Party of 12 Texas was -- has this new commitment and new initiative?</p> <p>13 A. I had read about it in the newspapers, yes.</p> <p>14 Q. And the next sentence of the press release 15 notes that "The Texas GOP has celebrated major successes 16 in recent nonpartisan races."</p> <p>17 Is that a true statement, to your 18 knowledge?</p> <p>19 A. I -- I don't know that to be true, but I think 20 it -- the short answer is I don't know if it's true. 21 I don't know.</p> <p>22 Q. And part of what -- of the successes they list 23 in the press release is that "GOP-supported challengers 24 unseated three long-time incumbents in Cypress-Fairbanks 25 ISD, in Harris County."</p>	<p style="text-align: right;">84</p> <p>1 all I have today. I really appreciate your time.</p> <p>2 THE WITNESS: Thank you so much. It was a 3 pleasure. I hope I didn't talk too fast, Ms. Taylor.</p> <p>4 MR. CRAWFORD: You were wonderful.</p> <p>5 MR. ABRAMS: Plaintiff will reserve its 6 questions until later.</p> <p>7 (Per the Federal Rules of Civil Procedure, 8 signature was requested by the deponent 9 or a party before the deposition was 10 completed.) 11 (End of proceedings at 11:31.)</p>

22 (Pages 85-88)

85	87
1 WITNESS NAME: ROBERT M. STEIN, Ph.D.	1 IN THE UNITED STATES DISTRICT COURT
2 DATE OF DEPOSITION: FEBRUARY 9, 2022	2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 CHANGES AND SIGNATURE	3 HOUSTON DIVISION
4 PAGE/LINE CHANGE REASON	3 VIRGINIA ELIZONDO,)
5 _____	4 Plaintiff,)
6 _____	5 v.) Civil Action No.
7 _____	6 SPRING BRANCH INDEPENDENT) 4:21-cv-01997
8 _____	7 SCHOOL DISTRICT, CHRIS)
9 _____	7 GONZALEZ, PAM GOODSON,)
10 _____	8 KAREN PECK, JOSEF D. KLAM,)
11 _____	8 MINDA CAESAR, CHRIS EARNEST,)
12 _____	9 J. CARTER BREED, in their)
13 _____	9 official capacity as members)
14 _____	10 of the Board of Trustees of)
15 _____	10 Spring Branch ISD)
16 _____	11 Defendants.)
17 _____	12
18 _____	13 REPORTER'S CERTIFICATION
19 _____	14 ORAL DEPOSITION
20 _____	15 OF ROBERT M. STEIN, Ph.D.
21 _____	16 FEBRUARY 9, 2022
22 _____	17 (REPORTED REMOTELY)
23 _____	18
24 _____	19 I, Dana A. Taylor, Certified Shorthand Reporter in
25 _____	20 and for the State of Texas, hereby certify to the
	21 following:
	22 That the witness, ROBERT M. STEIN, Ph.D., was duly
	23 sworn by the officer and that the transcript of the oral
	24 deposition is a true record of the testimony given by
	25 the witness;
86	88
1 I, ROBERT M. STEIN, Ph.D., have read the foregoing	1 That the deposition was submitted on
2 deposition and hereby affix my signature that same is	2 March 1st, 2022, to the attorney for the
3 true and correct, except as noted above.	3 witness for examination, signature, and return to me by
4	4 April 5th, 2022;
5	5 I further certify pursuant to FRCP Rule 25
6 ROBERT M. STEIN, Ph.D.	6 30(f)(1) that the signature of the deponent:
7	7 _x_ was requested by the deponent or a
8	8 party before the completion of the deposition and that
9 STATE OF _____)	9 the signature is to be before any notary public and
10 COUNTY OF _____)	10 returned within 30 days from date of receipt of the
11	11 transcript. If returned, the attached Changes and
12 Before me, _____, on this day	12 Signature Page contains any changes and the reasons
13 personally appeared ROBERT M. STEIN, Ph.D. known to me	13 therefore:
14 (or proved to me under oath or through _____)	14 _____ was not requested by the deponent or a
15 (description of identity card or other document) to be	15 party before the completion of the deposition.
16 the person whose name is subscribed to the foregoing	16 That pursuant to information given to the deposition
17 instrument and acknowledged to me that they executed the	17 officer at the time said testimony was taken, the
18 same for the purposes and consideration therein	18 following includes all parties of record and the amount
19 expressed.	19 of time used by each party at the time of the
20 Given under my hand and seal of office this _____	20 deposition:
21 day of _____, 2022.	21 FOR THE PLAINTIFF:
22	22 MR. BARRY ABRAMS
23	23 BLANK ROME
24	24 717 Texas Avenue, Suite 1400
25	25 Houston, Texas 77002-2727
	26 713-228-6606, 713-228-6630 Fax
	27 barry.abrams@blankrome.com
	28 Time used: (0:00)
	29

1 FOR THE PLAINTIFF:

2 MR. MARTIN GOLANDO
3 THE LAW OFFICE OF MARTIN GOLANDO, PLLC
4 405 North Saint Mary's Street, Suite 700
5 San Antonio, Texas 78205-2334
6 210-892-8543
7 Time used: (0:00)

8 FOR THE DEFENDANTS:

9 MR. CHARLES J. CRAWFORD
10 ABERNATHY, ROEDER, BOYD & HULLETT, P.C.
11 1700 Redbud Boulevard, Suite 300
12 McKinney, Texas 75069
13 214-544-4000, 214-544-4040 Fax
14 ccrawford@abernathy-law.com
15 Time used: (1:58)

16 That \$690.55 is the deposition officer's charges
17 to the Defendants for preparing the original deposition
18 transcript and any copies of exhibits;

19 I further certify that I am neither counsel for,
20 related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and further that I am not financially or
23 otherwise interested in the outcome of this action.

24 Certified to by me this 1st day of March, 2022.

25 /s/ Dana Taylor_____
DANA TAYLOR, TEXAS CSR 6048
Expiration Date: 04/30/23
STORMY JACKSON REPORTING
Firm Registration No. 610
1518 Clear Creek Drive
Allen, Texas 75002
214.491.0117
stormyrpr@outlook.com

DEPOSITION CHANGES/CORRECTIONS

WITNESS NAME:
ROBERT M. STEIN, PH.D.

DATE OF DEPOSITION
February 9, 2022

PAGE/LINE	CHANGE	REASON
47/14	<p>Add the following after the first sentence:</p> <p>"But since you asked me about that I have done so and the results are stated in my March 28, 2022 supplemental report, which I understand you have been furnished. That analysis confirms my earlier opinion about racial polarization."</p>	Addition to information given in my deposition.

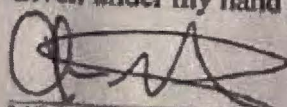
I, Robert M. Stein, have read the foregoing deposition and hereby affix my signature that it is true and correct, except as noted above.


Robert M. Stein

THE STATE OF TEXAS

Before me, on this day personally appeared Robert M. Stein, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 04th day of April, 2022.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

